

JAN 22 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAVID SHINN,

Plaintiff - Appellant,

v.

GALE A. NORTON, United States
Secretary of the Interior, Department of
the Interior; et al.,

Defendants - Appellees.

No. 06-16759

D.C. No. 06-00120-SPK-LEK

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Hawaii
Samuel P. King, District Judge, Presiding

Submitted January 14, 2008^{**}

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

David Shinn appeals pro se from the district court's order dismissing his amended complaint for failure to state a claim. We have jurisdiction pursuant to

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

28 U.S.C. § 1291. We review de novo, *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1988), and we affirm.

The district court properly dismissed Shinn's amended complaint because it failed to state a cognizable legal theory upon which relief could be granted. *See id.*

The district court did not deprive Shinn of a full and fair opportunity to defend his complaint by deciding defendants' motion to dismiss on the papers, without oral argument. *See Carpinteria Valley Farms, Ltd. v. County of Santa Barbara*, 344 F.3d 822, 832 n.1 (9th Cir. 2003) (rejecting contention that district court violated due process by dismissing under Federal Rule of Civil Procedure 12(b)(6) without oral argument).

Shinn's remaining contentions lack merit.

AFFIRMED.